

REMARKS

The last Office Action of July 18, 2007 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-3 are pending in the application. Claims 1-3 have been amended. No claims have been canceled or added. No amendment to the specification has been made. No fee is due.

It is noted that claims 1-3 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No.2,261,450 to Pritchett.

REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Applicant has amended claims 1-3 by labeling the involved two masses as "first" and "second" masses, and deleting the reference to "useful". In addition, claim 2 has been amended to include the missing word "smaller". Support therefore can be found in paragraph [0017] of the instant specification. These changes to the claims are self-explanatory and cosmetic in nature and should not be considered as a narrowing amendment to trigger prosecution history estoppel.

Withdrawal of the rejection of the claims 1-3 under 35 U.S.C. §112, second paragraph is thus respectfully requested.

REJECTION UNDER 35 U.S.C. §102(b)

The rejection under 35 U.S.C. 102(b) is respectfully traversed.

The present invention, as set forth in claim 1, relates to the movement of two masses in synchronism and in opposite directions to compensate a

momentum of one mass by the momentum of the other mass.

The Pritchett reference describes a wrench having a spindle with a front thread (26) and rear thread (27) of different configuration. By manually actuating a nut (28) on the rear thread, a rotation of the spindle is imparted. As the spindle rotates, a nut (31) on the front thread is shifted to adjust a sliding jaw (17) in relation to a fixed jaw (11).

The Examiner contended that *"Pritchett shows the claimed invention where a useful mass (15) is moving in one direction (to the left in figure 1) and the second useful mass (10) is moving to the right in figure 1"*. Applicant respectfully disagrees. While reference numeral "15" relates to a hood which is connected to the sliding jaw and thus is moved by the nut (31), reference numeral "10" relates to the handle that is secured to the fixed jaw and thus immobile (cp. page 2, lines 42-49, describing the connection of the members [legs of handle] 10 *against the rear face of fixed jaw 11.*). Thus, in contrast to the Examiner's assessment, mass (10) does not move, and nut (28) does not move any mass but is merely moved along the spindle by hand (*between the thumb and index finger*). As a consequence, Pritchett also fails to disclose the claim limitation that a compensating second mass is moved in synchronism in opposite direction to the movement of the first mass so that the momentums of both masses are mutually compensated.

For the reasons set forth above, it is applicant's contention that Pritchett neither teaches nor suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection of claims 1-3 under 35 U.S.C. §102(b) is thus respectfully requested.

CITED REFERENCES

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the claims on file. It is thus felt that no specific discussion thereof is necessary.

CONCLUSION

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: October 5, 2007
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212)244-5500
HMF:af